

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No.77256

NVR Incorporated  
The Prentice Hall Corporation  
System M-Resident Agent  
Suite A  
8019 Corporate Drive  
Baltimore MD 21236-4917

8511 Dolina Court

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on July 14, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 500.9 Zoning Commissioner's Policy Manual (ZCPM); 32-3-102; Baltimore County Zoning Regulations (BCZR) section 102.1, 260, 500.9, failure to install veneer to the front of the dwelling on residential properties zoned DR 5.5 known as 8511 Dolina Court, 21236.

On June 22, 2010, pursuant to § 3-6-205, Baltimore County Code, Supervising Inspector James H. Thompson issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$7,200.00 (seven thousand two hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

The following persons appeared for the Hearing and testified: Aaron Burch, Assistant County Attorney, Jennifer Nugent, Planner with the Development Review Division of the Baltimore County Planning Office and, James H. Thompson, Supervisor with the Bureau of Code Enforcement.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on May 5, 2010 for violation of building permit and zoning regulations, failure to install veneer to the front of the dwelling. This Citation was issued on June 22, 2010.

B. Inspector James Thompson testified that he inspected the newly constructed homes in this development for compliance with Pattern Book requirements. Photographs in the file show a newly constructed house, with vinyl siding covering the front wall. Re-inspection the day before this Hearing found no correction had been made.

C. Jennifer Nugent is a Planner in the Development Review Section, Baltimore County Office of Planning. Ms. Nugent testified that she has personal knowledge about the development proposals for this development because she reviewed the applications. She further testified that the requirement for a veneer front on this new house was imposed pursuant to Section 260 of the Baltimore County Zoning Regulations (BCZR), which provides for development design and performance standards for residential developments of four or more lots located within the urban/rural demarcation line.

D. Respondent's application for a Building Permit to construct this house was presented at the Hearing. Among the notations written on the permit application is the note "veneer front." Ms. Nugent testified that she wrote that note on the application during the review process, and further testified that the requirement was included on the elevation plan that Respondent filed with the County. The elevation plan, which is in the file, is page four from the approved Pattern Book for this development; it shows three different front elevation styles and the first style is circled, and shows stone veneer pictured for the main part of the house, and is labeled "stone veneer front." Ms. Nugent further testified that a representative of the developer or builder who is obtaining the planning approvals and the building permits is present when these notes are written on the application. She further testified

that when someone writes "veneer front" on the forms, the County staff understand that to be stone, because when builders intend to use brick they usually specify "brick front."

E. The evidence presented clearly shows that Respondent has failed to construct this house in accordance with the requirements of the development plan and building permit, by putting vinyl siding on the front of this house instead of installing stone veneer on the front as required by the approved pattern book and building permit. The County has the authority to enforce this requirement. BCZR Section 260, Section 500.9; BCC 32-3-102. This Citation will therefore be enforced. Because compliance is the goal of code enforcement, the civil penalty will be substantially reduced if the violation is corrected within the time provided below. See BCC Section 3-6-207.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$7,200.00 (seven thousand two hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$400.00 (four hundred dollars) if the violation is corrected by September 1, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property or may be collected in the same manner as any civil money judgment or debt may be collected.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 20<sup>th</sup> day of July 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer